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EXAMINER

BASOM, BLAINE T

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/703,748	Applicant(s) AAMODT ET AL.	
	Examiner Blaine Basom	Art Unit 2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 19-22,24-30 and 32-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 19-22,24-30 and 32-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8/20/2008</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

This Office action is responsive to the Request for Continued Examination (RCE) filed under 37 CFR §1.53(d) for the instant application on September 22, 2008. The Applicants have properly set forth the RCE, which has been entered into the application, and an examination on the merits follows herewith.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 35 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 35, there is no antecedent basis for “each graphical element” recited in line 11 of the claim.

Allowable Subject Matter

Claims 19-22, 24-30, 32-34, and 43 are allowed. Independent claim 35, and claims 36-42 which depend thereon, would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action. The following is an examiner’s statement of reasons for allowance:

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With respect to independent claim 19, the prior art (e.g. Microsoft Project), teaches a method comprising: providing project data for a project, the project data identifying tasks of the project, each task being defined by a plurality of data fields, having a unique identifier, and being assigned a category; displaying a PERT chart graphical representation of the provided project data, wherein the project data includes a first task and a second task that are assigned to same category wherein each task is represented as a graphical element containing task data and wherein the PERT chart is displayed in either ID-only mode or not in ID-only mode, wherein when the PERT chart is displayed in ID-only mode, the display of each graphical element includes displaying the unique identifier assigned to the task represented by each graphical element and does not include displaying any other task data and wherein when the PERT chart is displayed in not ID-only mode, it is displayed with a scaling percentage and the display of each graphical element includes displaying other task data (see e.g. pages 722-724 of the Microsoft Project reference); when the PERT chart is being displayed not in ID-only mode, representing the first task as a first graphical element displayed in a first format of the associated category and representing the second task as a second graphical element displayed in the first format of the assigned category, the first format including a first border surrounding a first set of cells arranged in a first layout, the first set of cells being configured to display a first set of data fields of the tasks of the category, receiving from a user a selection of the second graphical element representing the second task, displaying options for formatting the selected graphical element, receiving from the user a selection of a second format for the selected graphical element representing the second task, the second format including a second border surrounding a second set of cells arranged in a second layout different from the first layout, the second set of cells

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being configured to display a second set of data fields of the second task different from the first set of data fields, representing the selected graphical element in the selected second format whereby the user can customize the display of the project data on a task-by-task basis, such that the first graphical element representing the first task comprises different data fields and a different layout of data fields from the second graphical element representing the second task even though the first task and the second task are assigned the same category. The prior art (e.g. U.S. Patent No. 6,252,596 to Garland, U.S. Patent No. 6,714,936 to Nevin, III) further teaches displaying one or more nodes within a network diagram at an increased magnification relative to other graphical elements, responsive to a mouse pointer being positioned within a predefined region relative to a node. However, the prior art does not teach or suggest a set threshold for such node magnification, nor does the prior art teach or suggest that such magnification results in a display of node data at a layout previously set by the user, as is required by claim 19. That is, the prior art does not teach the limitation of: “when the PERT chart is being displayed not in ID-only mode... and when the PERT chart is being displayed with a scaling percentage that is below a threshold set for node magnification and a mouse pointer is positioned within a predefined region relative to a graphical element, displaying one or more of the graphical elements at an increased magnification level relative to the other graphical elements; and when the PERT chart is being displayed in ID-only mode and a mouse pointer has hovered over a displayed graphical element representing the second task for more than a first predetermined amount of time, displaying the graphical element and the task data of the graphical element at a standard magnification with the second layout, and when the graphical element has been displayed at the standard magnification for more than second predetermined amount of time, displaying the

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graphical element as displayed in the PERT chart prior to being magnified," as is recited in claim 19.

Claims 20-22 and 24-28 depend from claim 19 and thereby include all of the limitations of claim 19. Accordingly, claims 20-22 and 24-28 are allowed for the reasons in which claim 19 is allowed.

Independent claim 29, and claims 30 and 32-34 which depend thereon, are considered allowable for similar reasons by which independent claim 19 is allowed. That is, the prior art does not teach the limitation of: "when the network diagram is being displayed not in ID-only mode... and when the network diagram is being displayed with a scaling percentage that is below a threshold set for node magnification and a mouse pointer is positioned within a predefined region relative to a graphical element, displaying one or more of the graphical elements at an increased magnification level relative to the other graphical elements; and when the network diagram is being displayed in ID-only mode and a mouse pointer has hovered over a displayed graphical element representing the first task for more than a first predetermined amount of time, displaying the graphical element and the task data of the graphical element at a standard magnification with the second layout, and when the graphical element has been displayed at the standard magnification for more than second predetermined amount of time, displaying the graphical element as displayed in the network diagram prior to being magnified," as is recited in claim 29 and required by dependent claims 30 and 32-34.

Independent claim 35, and claims 36-42 which depend thereon, are also considered allowable for similar reasons by which independent claim 19 is allowed. That is, the prior art does not teach the limitation of: "when the network diagram is being displayed not in ID-only

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mode... and when the network diagram is being displayed with a scaling percentage that is below a threshold set for node magnification and a mouse pointer is positioned within a predefined region relative to a graphical element, displaying one or more of the graphical elements at an increased magnification level relative to the other graphical elements; and when the network diagram is being displayed in ID-only mode and a mouse pointer has hovered over a displayed graphical element representing one of the selected tasks for more than a first predetermined amount of time, displaying the graphical element and the task data of the graphical element at a standard magnification with the second shape format, and when the graphical element has been displayed at the standard magnification for more than second predetermined amount of time, displaying the graphical element as displayed in the network diagram prior to being magnified," as is recited in claim 35 and required by dependent claims 36-42.

Independent claim 43 is considered allowable for similar reasons by which independent claim 19 is allowed. That is, the prior art does not teach the limitation of: "when the network diagram is being displayed not in ID-only mode... and when the network diagram is being displayed with a scaling percentage that is below a threshold set for node magnification and a mouse pointer is positioned within a predefined region relative to a graphical element, displaying one or more of the graphical elements at an increased magnification level relative to the other graphical elements; and when the network diagram is being displayed in ID-only mode and a mouse pointer has hovered over a displayed graphical element representing one of the selected tasks for more than a first predetermined amount of time, displaying the graphical element and the task data of the graphical element at a standard magnification with the second shape format,

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and when the graphical element has been displayed at the standard magnification for more than second predetermined amount of time, displaying the graphical element as displayed in the network diagram prior to being magnified," as is recited in claim 43.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 19-20, 22, 24-30, 32-36, and 38-53 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 5 of U.S. Patent No.

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7,458,031 in view of Microsoft Project 98 (hereafter referred to as “Microsoft Project”), as described by Tim Pyron in the book entitled “Using Microsoft Project 98.”

Like required by claim 19 of the present application, claim 5 of U.S. Patent No. 7,458,031 recites a method comprising: providing project data for a project, the project data identifying tasks of the project, each task being defined by task data and assigned a unique identifier; displaying a network diagram having nodes (i.e. “graphical elements,” like claimed) representing tasks of the project, a node containing task data, the network diagram being displayed in either ID-only mode or not in ID-only mode, wherein when the network diagram is displayed in ID-only mode, the display of each node includes displaying the unique identifier assigned to the task represented by each node and does not include displaying any other task data and wherein when the network diagram is displayed not in ID-only mode, it is displayed with a scaling percentage and the display of each node includes displaying other task data; when the network diagram is being displayed not in ID-only mode and with a scaling percentage that is below a threshold set for node magnification, and when a mouse pointer has hovered over a displayed node (i.e. has been positioned within a “predefined region,” like claimed), displaying the node and the task data of the node at a standard magnification with standard formatting (i.e. at an increased magnification level relative to other graphical elements, like claimed); and when the network diagram is being displayed in ID-only mode, and the mouse pointer has hovered over a displayed node for more than a threshold amount of time, displaying the node and the task data of the node at a standard magnification with standard formatting, and when the node has been displayed at the standard magnification more than a predetermined amount of time, displaying the node as originally displayed in the network diagram. Claim 5 of U.S. Patent No.

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7,458,031 does not teach the remaining portion of claim 19 (i.e. selecting a graphical element and modifying its format), nor does it teach the features of independent claims 20, 22, and 24-28.

As shown in the Office Action mailed on March 20, 2008, Microsoft Project teaches the remaining portion of claim 19 (e.g. selecting a graphical element representing a task, and modifying its format), in addition to the features recited in dependent claims 20, 22, and 24-28.

It would have been obvious to modify claim 5 of U.S. Patent No. 7,458,031 such that it includes the ability to modify a selected node, like in claim 19 of the present application and its dependent claims 20, 22, and 24-28, given the teachings of Microsoft Project. Accordingly, claim 19 and its dependent claims 20, 22, and 24-28 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 5 of U.S. Patent No. 7,458,031 in view of Microsoft Project. By similar reasoning, claims 29-30, 32-36, and 38-53 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 5 of U.S. Patent No. 7,458,031 in view of Microsoft Project. Claims 19-22, 24-28, 29-30, and 32-53 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 5 of U.S. Patent No. 7,458,031 in view of Microsoft Project 98 (hereafter referred to as "Microsoft Project"), as described by Tim Pyron in the book entitled "Using Microsoft Project 98."

Claims 21 and 37 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 5 of U.S. Patent No. 7,458,031 in view of Microsoft Project and U.S. Patent No. 5,704,028, which is attributed to Schanel et al. (and hereafter referred to as "Schanel"). As shown hereinabove, claim 5 of U.S. Patent No. 7,458,031 in view of Microsoft Project teaches the features of independent claims 21 and 37. Schanel teaches the

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features of claims 21 and 37, which depend from claims 19 and 35, respectively, as shown in the Office Action mailed on March 20, 2008. It would have been obvious to modify claim 5 in view of Microsoft Project to further include such features, given the teachings of Schanel.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blaine Basom whose telephone number is (571)272-4044. The examiner can normally be reached on Monday through Friday, from 8:30 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kieu Vu can be reached on (571)272-4057. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/BTB/
12/18/2008

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/Kieu D Vu/

Primary Examiner, Art Unit 2175